

**UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT**

**At a Stated Term of the United States Court of Appeals for the Second Circuit,
held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the
City of New York, on the 23rd day of February, two thousand and seven,**

PRESENT: Hon. Dennis Jacobs, *Chief Judge*
Hon. Guido Calabresi
Hon. Jose A. Cabranes
Hon. Chester J. Straub
Hon. Rosemary S. Pooler
Hon. Robert D. Sack
Hon. Sonia Sotomayor
Hon. Robert A. Katzmann
Hon. Barrington D. Parker
Hon. Reena Raggi
Hon. Richard C. Wesley
Hon. Peter W. Hall



IT IS HEREBY ORDERED, that the Local Rules of the United States Court of Appeals for the Second Circuit are hereby amended on an interim basis effective immediately by the adoption of Interim Local Rule 0.29 and Local Rule 46(h), which is set forth below (bolded text) and replaces the current Local Rule 0.29 and Local Rule 46(h). The Court proposes furthermore to adopt Interim Local Rule 0.29 on a permanent basis following publication for notice and comment. The Acting Clerk of the Court shall publish the new Interim Rule and Proposed Permanent Rule inviting comment to be submitted by **March 26, 2007**. Anyone wishing to comment should do so, in writing, to the Acting Clerk of Court, 40 Foley Square, New York, NY 10007.

Local Rule 0.29. Non-Argument Calendar

(a) The following appeals or petitions for review, and any motions filed thereon, will be initially placed on the Non-Argument Calendar:

An appeal or petition for review, in which a party seeks review of the denial of -

- 1. A claim for asylum under the Immigration and Nationality Act (“INA”).**
- 2. A claim for withholding of removal under the INA:**

3. **A claim for withholding or deferral of removal under the Convention Against Torture (“CAT”); or**
4. **A motion to reopen or reconsider an order involving one of the claims listed above.**

Proceedings on the Non-Argument Calendar will be disposed of by a three-judge panel without oral argument unless the Court transfers the proceeding to the Regular Argument Calendar.

- (b) To the extent practicable, the Clerk’s Office will promptly identify proceedings to be placed on the Non-Argument Calendar and issue scheduling orders for them upon the receipt of the certified record. The scheduling order will inform the parties that the proceeding has been placed on the Non-Argument Calendar. Any party to a proceeding on the Non-Argument Calendar may request to have the proceeding transferred to the Regular Argument Calendar. Such a request shall not be made by motion but must be included in the party’s brief, identified by a separate heading, and will be adjudicated in conformity with Federal Rule of Appellate Procedure 34(a)(2) and Local Rule 34(d)(1). In its discretion, the Court may at any time transfer a proceeding from the Non-Argument Calendar to the Regular Argument Calendar. Upon the transfer of a case from the Non-Argument Calendar to the Regular Argument Calendar, no briefs may be filed, other than those specified in the scheduling order, unless leave of Court is obtained. The Court may at any time sua sponte, with notice to the parties, tentatively transfer a proceeding mistakenly placed on the Regular Argument Calendar to the Non-Argument Calendar.
- (c) The Civil Appeals Management Plan shall not apply mandatorily to proceedings on the Non-Argument Calendar. However, any party to a proceeding on the Non-Argument Calendar may request a conference under the Civil Appeals Management Plan, which will be promptly provided. A request for a conference will not alter a scheduling order.
- (d) An appeal or petition for review on the Non-Argument Calendar may be dismissed by the Clerk if, 15 days after the due date, the party seeking a review has failed to file its brief. The filing of a motion for an extension of time to file a brief does not stay or alter an existing deadline. If the respondent or appellee fails to file its brief by the due date, the Clerk may calendar the proceedings for decision as early as 15 days following the due date.

Local Rule 46. Attorneys

(h) Committee on Admissions and Grievances.

1. Appointment, members. The court shall appoint a standing committee of **nine** members of the bar to be known as the Committee on Admissions and Grievances. Three of those first appointed shall serve for the term of one year; **three** for two years; and the remainder and all thereafter appointed shall serve for the term of three years. Each member shall serve until a member's successor has been appointed. If a member shall hold over after the expiration of the term for which a member was appointed, the period of the member's hold-over shall be treated as part of the term of the member's successor. The court may vacate any such appointment at any time. In the case of any vacancy caused by death, resignation, or otherwise, any successor appointed shall serve the unexpired term of the successor's predecessor. The court shall designate one of the members to serve as chairman whenever it may for any reason be necessary. **Five** members of the Committee shall constitute a quorum. The court shall appoint a member of the bar as secretary of the Committee, who shall not be entitled to vote on its proceedings

IT IS SO ORDERED.

FOR THE COURT:

/s/ _____
Thomas Asreen
Acting Clerk of Court

Date: February 23, 2007